



General Assembly

January Session, 2005

***Amendment***

LCO No. 8082

**\*SB0105208082HR0\***

Offered by:

REP. D'AMELIO, 71<sup>st</sup> Dist.

REP. MINER, 66<sup>th</sup> Dist.

To: Subst. Senate Bill No. **1052**

File No. 554

Cal. No. 651

(As Amended)

**"AN ACT CONCERNING MEDICAL MALPRACTICE."**

1 Strike subdivision (2) of subsection (b) of section 11 in its entirety  
2 and insert the following in lieu thereof:

3 "(2) Each filing described in subsection (a) of this section for  
4 professional liability insurance for physicians and surgeons, hospitals,  
5 advanced practice registered nurses or physician assistants that seeks  
6 to increase rates over the rates in the insurer's previous filing by seven  
7 and one-half per cent or more may be subject to prior rate approval at  
8 the discretion of the commissioner. The commissioner may adopt  
9 regulations in accordance with the provisions of chapter 54 to set forth  
10 the procedure for the filing and review of such increase that may  
11 include provisions requiring the sending of notice of such filing to  
12 insureds who would be subject to the increase and the holding of a

13 public hearing on such filing at the request of insureds."

14 Strike subsections (d) and (e) of section 14 in their entirety and  
15 insert the following in lieu thereof:

16 "(d) (1) The commissioner may establish an electronic database  
17 composed of closed claim reports filed pursuant to this section.

18 (2) The commissioner may compile the data included in individual  
19 closed claim reports into an aggregated summary format and may  
20 prepare a written annual report of the summary data. If the  
21 commissioner prepares such a report, such report shall provide an  
22 analysis of closed claim information including a minimum of five years  
23 of comparative data, when available, trends in frequency and severity  
24 of claims, itemization of damages, timeliness of the claims process, and  
25 any other descriptive or analytical information that would assist in  
26 interpreting the trends in closed claims.

27 (3) If the commissioner prepares such a report, such report shall  
28 include a summary of rate filings for professional liability insurance  
29 for physicians, surgeons, hospitals, advanced practice registered  
30 nurses and physician assistants, which have been approved by the  
31 department for the prior calendar year, including an analysis of the  
32 trend of direct losses, incurred losses, earned premiums and  
33 investment income as compared to prior years. Any such report shall  
34 include base premiums charged by insurers for each specialty and the  
35 number of providers insured by specialty for each insurer.

36 (4) On and after January 1, 2007, if the commissioner has prepared  
37 an annual report for the preceding year, the commissioner may submit  
38 such report not later than March fifteenth to the joint standing  
39 committee of the General Assembly having cognizance of matters  
40 relating to insurance in accordance with section 11-4a. If the  
41 commissioner submits such a report, the commissioner may (A) make  
42 the report available to the public, (B) post the report on its Internet site,  
43 and (C) provide public access to the contents of the electronic database  
44 after the commissioner establishes that the names and other

45 individually identifiable information about the claimant and  
46 practitioner have been removed.

47 (e) The Insurance Commissioner may provide the Commissioner of  
48 Public Health with electronic access to all information received  
49 pursuant to this section. The Commissioner of Public Health shall  
50 maintain the confidentiality of such information in the same manner  
51 and to the same extent as required for the Insurance Commissioner."